18

NOTIFICATION.

No. Rl. 5272—*L. C., Dated Camp Mysore, the 7th June* 1932.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Limitation Regulation, 1911 is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Limitation Regulation, 1911.

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (i) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 193 .

(ii) It shall come into force on the first day of 193 .

Amendment of Article 5 of First Schedule.

2. In the First Division of the First Schedule to the Mysore Limitation Regulation, 1911, (hereinafter referred to as the said Regulation).

(*a*) after Article 3 the heading "*Part IV—One year*" shall be inserted ;

(*b*) In Article 5.

(i) to the entry in the first column the following shall be added, namely :—

"where the provision of such summary procedure does not exclude the ordinary procedure in such suits and under Order XXXVII of the said Code;"

(ii) for the entry in the second column the entry "One year" shall be substituted ; and

(*c*) the heading "*Part IV—One year*" after Article 5 shall be omitted.

3. In the Third Division of the First Schedule to the said Regulation, in the entry in the first column of Article 159, after the figures and letter " 128 (2) (f) " the words and figures " or under Order XXXVII " shall be inserted.

Amendment of Article 159 of the First Schedule.

STATEMENT OF OBJECTS AND REASONS.

Article 5 of the First Schedule to the Mysore Limitation Regulation, 1911, provides a period of limitation of six months for a suit under the summary procedure referred to in section 128 (2) (f) of Civil Procedure Code from the date on which the debt or liquidated demand becomes payable or when the property becomes recoverable. As the Article stood in the Act of 1877, it referred to suits on negotiable instruments under Chapter 39 of the Code of Civil Procedure, 1884. In the Code of 1911, powers were given in section 128 (2) (f) to the High Court to extend the summary procedure and a reference to that section was substituted for Chapter 39 of the Civil Procedure Code when the Limitation Regulation was consolidated in 1911. The fact that the provisions of Chapter 39 of the Code were also retained in Order XXXVII of the new Code of Civil Procedure seems to have been overlooked. Accordingly if Article 5 is strictly construed it applies now only to suits under the summary procedure made by rules under section 128 (2) (f) of the Code since the Code was enacted. The Bill proposes to make the intention clear and to make a similar consequential change in Article 159 of the same Schedule.

The Bill further proposes to extend the period of limitation now fixed in Article 5 for suits to which the summary procedure applies from six months to one year, as the existing period has been represented to be too short. This special period of limitation in Article 5 will, however, only apply so long as it is open, as at present, to a plaintiff to proceed by means of the ordinary procedure as well as by the summary procedure.